

REDACTED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

2020 JUL 22 PM 12:27

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: 

UNITED STATES OF AMERICA

Cause No.:

v.

SEALED INDICTMENT

DONALD RAY LOCKARD

[Vio: COUNT ONE: 18 U.S.C. § 1349
Conspiracy to Commit Wire Fraud;
COUNTS TWO - FOUR: 18 U.S.C. § 18
U.S.C. §§ 1343 Wire Fraud;

THE GRAND JURY CHARGES:

DR 20 CR 1286

BACKGROUND

At All Times Relevant to This Indictment:

1. San Felipe Del Rio Consolidated Independent School District (SFDRICISD) was headquartered in Del Rio, Texas, which is in the Western District of Texas. It's component schools served the city of Del Rio, Texas and the unincorporated portions of Val Verde County, Texas, which is in the Western District of Texas.
2. SFDRICISD had accounts with Texas Community Bank. Texas Community Bank and its branches were financial institutions located in the Western District of Texas and elsewhere.
3. BOK Financial (BOK) and its branches were financial institutions located in the the State of Texas and elsewhere.
4. J.P. Morgan Chase Bank (Chase Bank) and its branches were financial institutions located in the the State of Texas, the State of Georgia and elsewhere.
5. DONALD RAY LOCKARD was a resident of Douglasville, Georgia and employed as a foreman for Mayberry Electric, Inc., located in Atlanta, Georgia.
6. DONALD RAY LOCKARD and his wife filed for Chapter 7 bankruptcy on May 10, 2016.
7. DONALD RAY LOCKARD doing business as DL Investments, opened a Chase Bank account number ending 0717, on August 16, 2019 at the Cosby Station Chase Bank branch number 747137, located in Douglasville, Georgia. DL Investments listed its business address as 1402 W Stoneybrook Dr, Douglasville, GA 30134.

8. DONALD RAY LOCKARD owned the real property located at 1402 W Stoneybrook Dr, Douglasville, GA.

9. SFDRICISD made bond payments to BOK Financial on a bi-annual basis, specifically February and August of each year.

COUNT ONE
[18 U.S.C. § 1349]

1. The Grand Jury adopts, realleges, and incorporates herein the allegations in paragraphs 1 - 9 of the Background of this Indictment as if set out fully herein.

WIRE FRAUD CONSPIRACY

2. Beginning on a date unknown, but from at least on or about August 16, 2019, and continuing until at least on or about February 25, 2020, within the Western District of Texas and elsewhere, defendant DONALD RAY LOCKARD together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud San Felipe Del Rio Consolidated Independent School District (SFDRICISD) and obtain money and property from SFDRICISD by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343, all in violation of Title 18, United States Code, Section 1349.

METHOD AND MEANS

3. It was part of the conspiracy that the conspirators would send fake or false e-mails to the Comptroller of SFDRICISD posing as a representatives from BOK Financial (BOK). These emails concerned the bi-annual bond payments SFDRICISD made to BOK.

4. It was further part of the conspiracy that these fake emails directed the Comptroller of SFDRICISD to make the pending bond payments to an account different from the one to which payment was normally tendered.

5. It was further part of the conspiracy that the defendant, who owned and controlled the bank account to which the fake or false emails directed payment, possessed and transferred those funds received from SFDRICISD to other accounts owned and controlled by the defendant or other conspirators, who withdrew portions of those funds as cash.

COUNTS TWO - FOUR
[18 U.S.C. §§ 1343 and 2]

1. The Grand Jury adopts, realleges, and incorporates herein the allegations in paragraphs 1 – 9 of the Background and paragraphs 1 – 5 of Count One of this Indictment as if set out fully herein.

THE SCHEME TO DEFRAUD

2. Beginning on a date unknown, but from at least on or about August 16, 2019, and continuing until at least on or about February 25, 2020, within the Western District of Texas and elsewhere, defendant DONALD RAY LOCKARD, together with others, executed a material scheme and artifice to defraud, and for obtaining money by means of material false and fraudulent pretenses and representations, in that they sent fraudulent emails to San Felipe Del Rio Consolidated Independent School District (SFDRICISD) pretending to be representatives of BOK Financial (BOK) for the purposes of inducing SFDRICISD to make its bi-annual bond payments to a fraudulent bank account, and in doing so caused wire communications to be transmitted in interstate commerce.

INTERSTATE WIRES

3. On or about the dates in the table below, at the locations listed below, in the Western District of Texas, the defendant, DONALD RAY LOCKARD, and others, for the purpose of executing the aforementioned material scheme and artifice to defraud, and for obtaining money by means of material false and fraudulent pretenses and representations, did knowingly cause to be transmitted in interstate commerce wire communications between financial institutions in Texas and institutions in other states, which represented the transfer of moneys belonging to SFDRICISD in the amounts listed in the table below, in violation of 18 U.S.C. §§ 1343, 2.

Count	Date	Transaction	Amount
2	02/12/2020	First wire transfer from SFDRICISD account at Texas Community Bank to DL Investments account # ending 0717 at Chase Bank	\$90,500
3	02/12/2020	Second wire transfer from SFDRICISD account at Texas Community Bank to DL Investments account # ending 0717 at Chase Bank	\$159,000
4	02/12/2020	Third wire transfer from SFDRICISD account at Texas Community Bank to DL Investments account # ending 0717 at Chase Bank	\$1,764,262.50

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See FED. R. CRIM. P. 32.2]

I.

Wire Fraud Violation(s) and Forfeiture Statute(s)

[Title 18 U.S.C. §§ 1343 & 1349, subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C), applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c).]

As a result of the criminal violation(s) set forth in Counts One through Four, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of property,

including the property listed below, upon conviction and as part of sentence pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 981(a)(1)(C) (applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)), which states:

Title 18 U.S.C. 981. Civil forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "*specified unlawful activity*" (as defined in section 1956(c)(7) of this title

↓

§ 1956. Laundering of monetary instruments

(c) As used in this section—

(7) the term "*specified unlawful activity*" means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title

↓

§ 1961. Definitions

As used in this chapter—

(1) "racketeering activity" means . . . (B) any act which is indictable under any of the following provisions of *title 18, United States Code*: . . . section 1343 (*relating to wire fraud*)

II.

Properties

This Notice of Demand for Forfeiture includes but is not limited to the following properties:

1. **\$2,000.00, More or Less, in United States Currency seized from JPMorgan Chase Bank Account 525980717 in the name of D L Investments;**
2. **\$40,000.00, More or Less, in United States Currency seized from JPMorgan Chase Bank Account 271518711 in the name of Donald Ray Lockard;**
3. **\$1,531,924.54, More or Less, in United States Currency seized from JPMorgan Chase Bank Account 405685541 in the name of D L Investments; and**

4. **\$10,330.62, More or Less, in United States Currency seized from JPMorgan Chase Bank Account 835358107 in the name of Donald Ray Lockard.**

III.

Money Judgment

Money Judgment: A sum of money equal to the proceeds from the fraud violations and property involved in the money laundering violations that was not recovered by the government and for which the Defendant is liable.

IV.

Substitute Property

If any proceeds from the fraud violations and any property involved in the money laundering violations, as a result of any act or omission of the Defendant—

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States to seek the forfeiture of any other property of the Defendant, up to the value of the unrecovered proceeds and property, pursuant to Title 21 U.S.C. § 853(p) and FED. R. CRIM. P. 32.2(e).

A TRUE BILL,
ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002
FOREPERSON

JOHN F. BASH
United States Attorney

By: 

JOSHUA B. BANISTER
Assistant United States Attorney

SEALED:
UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: VAL VERDE

USAO #: 2020R02519

DATE: JULY 22, 2020

MAG. CT. #: MATTER

AUSA: JOSHUA B. BANISTER

DEFENDANT: DONALD RAY LOCKARD

DR20CR1286

CITIZENSHIP: UNITED STATES

INTERPRETER NEEDED: NO

LANGUAGE: ENGLISH

DEFENSE ATTORNEY: NONE

ADDRESS OF ATTORNEY: NOT APPLICABLE

DEFENDANT IS: NOT DETAINED

DATE OF ARREST:

BENCH WARRANT NEEDED: YES

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: INDICTMENT

OFFENSE: (Code & Description): COUNT ONE: 18 U.S.C. § 1349 Conspiracy to Commit Wire Fraud; COUNTS TWO - FOUR: 18 U.S.C. § 18 U.S.C. §§ 1343 Wire Fraud.

OFFENSE IS: FELONY

MAXIMUM SENTENCE: COUNTS ONE THROUGH FOUR: 0-20 YEARS IMPRISONMENT; UP TO \$250,000 FINE; UP TO 3 YEARS OF SUPERVISED RELEASE; \$100 MANDATORY SPECIAL ASSESSMENT.

PENALTY IS MANDATORY: YES & NO

REMARKS: See above

W/DT-CR-3